

REMARKS

Claims 3 - 20 are pending in the application.

Interview

The applicant thanks the examiner for the courtesy of an interview on October 24, 2005, to discuss the prior art *Hinkle*, color photographs of an embodiment of a fence panel according to the present invention and an embodiment of the fence panel according to *Hinkle*, and amended claim language distinguishing the invention from *Hinkle*. It was agreed to include the limitation "only" in the attaching of the pickets only between the end picket and the first longitudinal edge of the rails, with similar limitations in claims 12 and 19.

Discussion

The present amendment attends to changes discussed at the interview and attends to clarifying the claims. The claims are amended recite that the fence panel includes a pair of rails, with each rail defining a first longitudinal edge and an opposing second longitudinal edge on a side, and first pickets that attach by fasteners (for example, welds) only between the respective first picket and the first longitudinal edge of the respective rail, and at least two second pickets that attach by fasteners (for example, welds) only between the respective second picket and the second longitudinal edge of the respective rails. The opposing attachments of the first pickets and the second pickets to the rails restricts the rails from rolling away from the pickets when the fence panel is racked by moving opposing ends of the panel in opposing vertical directions relative to the terrain surface to track a slope of the terrain surface.

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The structure of the disclosed embodiment illustrates inner pickets (first pickets) and end pickets (second pickets), but it is noted that the opposing attachments of the first pickets and the second pickets to the rails may readily be accomplished in accordance with the teachings of the present invention, where, for example, the second pickets are not the outermost or end pickets but are spaced-apart and interspersed with the inner pickets, or for example the pair of second pickets are disposed spaced-apart in respective end portions of the fence panel but not necessarily the outwardmost ones of the pickets. Rolling of the rails is prevented by attaching at least two pickets in the fence panel to the rails with fasteners only between the two pickets and the first side edge of the rails which first side edge opposes the second side edge at which the other of the pickets attach to the rails.

Clarification Of Abstract

As required by the examiner, the Abstract at page 24 is amended herein.

Summary

In summary, it is believed that the present amendment responds fully to the issues outstanding in this application and that claims 3 - 20 (amended) are in condition for allowance, and same is earnestly solicited.

Respectfully submitted,



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